



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,672	03/04/2005	Hisashi Maeshima	3273-0208PUS1	3246

2292 7590 07/30/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
----------	--------------

1796

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

07/30/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Art Unit: 1796

1. The amendment after Final rejection mailed July 22, 2008 has been denied entry because the newly claimed molar ratio of peracetic acid:unsaturated groups of from 1.0:1 to 3.0:1 presents a new issue requiring further consideration and/or searching, and does not reduce or simplify the issues for a potential appeal.
2. The rejection mailed April 23, 2008 was properly made Final even with the withdrawal of Takai et al. Publication No. 2003/005618 because the teachings of German Patent No. 1,418, 465; the Hau article translation (filed with the Information Disclosure Statement filed November 27, 2006) and Japanese Patent Nos. 54-3006 and 5-239043 overlap with Takai et al. Japanese '043 (Derwent abstract) establishes the epoxidation of cyclohexene with an ethyl acetate solution of peracetic acid for high selectivity and conversion of the unsaturated groups into epoxy groups.

The specification in the paragraph bridging pages 26-27 states:

“In the present invention (1), the organic percarboxylic acid substantially containing no water is prepared by the air oxidation of aldehydes, for example acetaldehyde. For instance, peracetic acid is prepared by a process as described in German Patent Application Publication No. 1418465 or JP 54-3006A. According to this process, . . . an organic percarboxylic acid having high concentration can be synthesized continuously in a large amount and can be therefore obtained at a substantially low price.”

3. The Hau article translation (last page, epoxidation of double bonds method (2)1.) confirms the oxidation of an aldehyde into peracetic acid to the extent that "no water [is] in peracetic acid, and thus the epoxy won't hydrolyze."

Art Unit: 1796

4. Accordingly, the secondary references even without Takai et al. set forth the claimed ethyl acetate solution of peracetic acid for high selectivity and conversion of the unsaturated groups into epoxy groups, wherein the peracetic acid is obtained by the air oxidation of acetaldehyde and no water is present for the reasons of attaining a high concentration of peracetic acid at a low price, and to prevent the hydrolysis of the generated epoxy groups. Such a rationale was previously relied upon in the non-Final rejection mailed December 10, 2007 (pages 3-4, paragraphs 4-6 and is not a new ground of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Robert Sellers/
Primary Examiner
Division 1796

rs
7/25/2008